

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.270 OF 2022**

Shevanti Kashiram Jadhav alias

Jadhav Shevantabai Kashiram

... Deceased

Umesh Atmaram Jadhav

... Petitioner

Mr. Siddharth A. Desai i/by R. B. Gupta for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND DECEMBER 2022

P.C. :

1. By the present Miscellaneous Petition, the Petitioner is seeking a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation Act VIII of 1827 in respect of deceased Shevanti Kashiram Jadhav alias Jadhav Shevantabai Kashiram (“the said deceased”), who died at Mumbai on 05/06/2007. A copy of the said death certificate of the deceased is annexed to the Miscellaneous Petition, as also Election Voting Identity Card, which establishes that she was a permanent resident of Mumbai.

2. The Petition states out that the Petitioner is the nephew of the deceased. In Paragraph 4 of the Miscellaneous Petition, it is stated that the Petitioner died issueless and the only surviving legal heirs of the deceased are

set out in the table in Paragraph 4. The learned Counsel for the Petitioner submits that the consent affidavits of the other two legal heirs, viz., Anita Atmaram Jadhav (sister in law of the deceased) and Dinesh Atmaram Jadhav (nephew of the deceased) are on record and annexed as Exhibits 'F' and 'G' respectively. It is stated that the Legal Heirship Certificate is required to be produced before the Brihanmumbai Municipal Corporation, F/S Ward for transferring the immovable property, viz., Room No.42, Bhimnagar Rahiwashi Sangh, Jairbai Wadia Road, Bhoiwada, Parel, Near Cancer Society, Parel, Mumbai 400 012 in the name of the Petitioner.

3. In view of the fact that all heirs have consented and that there is no other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in granting the reliefs as sought for.

4. The Miscellaneous Petition is, therefore, made absolute in terms of prayer clause (A) to the Miscellaneous Petition.

5. Proclamation is dispensed with, since the consents of all the legal heirs are on record.

6. Miscellaneous Petition is accordingly disposed of.
7. No order as to costs.
8. All concerned to act on the authenticated copy of this order.

(ARIF S. DOCTOR, J.)